

PATENT
Attorney Docket No. EXT-047CP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shuber

SERIAL NUMBER: 09/988,491

GROUP NUMBER: 1634

FILING DATE: November 20, 2001

EXAMINER: Stephanie W. Zitomer

TITLE: Method for Alteration Detection

Terminal Disclaimer

I, Thomas C. Meyers, residing at 3 Great Rock Circle, Natick, MA 01760, state that I am a representative authorized to sign on behalf of Exact Sciences Corporation (hereinafter EXACT), identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/988,491. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of EXACT.

EXACT, now of 100 Campus Drive, Marlborough, MA 01752, is the assignee of the entire right, title and interest in and to the above-identified application, 09/988,491, by virtue of the Assignment recorded in the United States Patent and Trademark Office at Reel **012636**, Frame **0820**, on **February 19, 2001**, by the inventor in this application to EXACT.

EXACT hereby waives and disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the full statutory term (which may be longer than seventeen (17) years) of U.S. Patent No. 6,428,964, issued August 6, 2002, and hereby agrees that any patent so granted on U.S. Serial No. 09/988,491 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,428,964, this agreement to run with any patent granted on the U.S. Serial No. 09/988,491 and to be binding upon the Assignee, its successors or assigns.

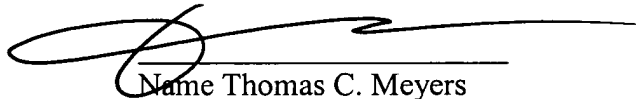
09/25/2003 JBR/LIN/AN 00000070 09988491
146.00 TP
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02 FC:1814
110.00 UP

EXACT does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 09/988,491 prior to the expiration date of the full statutory term of U.S. Patent No. 6,428,964, in the event that said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Exact Sciences Corporation

By their attorney



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Date 9/18/03